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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,808	03/23/2001	Oleg Boulanov	57622-042-(ELZK-003)	6721

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EXAMINER
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LEWIS, MICHAEL A

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/16/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/815,808

**Applicant(s)**

BOULANOV, OLEG

**Examiner**

Lewis A Michael

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1- 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 14, 24 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated over Haszto et al. (U.S. Patent 6192338).

Regarding claims 1, 14, 24 and 36, Haszto et al. disclose a speech recognition system/method comprising several objects (Fig. 6):

A line of service including:

- a. A first [voice] server object coupled to a telephone network for receiving a voice data message from said telephone network (78,80).
- b. A second [acoustic] server object having a first connection to said first server object for receiving said voice data message from said first server object and converting said voice data message to a phonetic data message (46; Col 4, Lines 36 - 67).

- b. A third server [symbolic] object having a second connection to said second server object for receiving said phonetic data message from said second server object and converting said phonetic data message to a syntactic data message (54).
- c. A fourth [task] server object having a third connection to said third server object for receiving said syntactic data message from said third server object and converting said syntactic data message to a semantic data message, which is representative of said voice data message(52);  
wherein said first, second and third connections are formed over a first computer network (Fig 6).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2,3,4,6,7,8,12,13,15,16,17,19,20,21,22,23,25,26,27,30,31,34,35,37 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto et al. (U.S. Patent 6192338) in view of Motoyama et al. (U.S. Patent Application 20020152292) and further in view of Struger et al. (U.S. Patent 5297257).

Regarding claims 2, 15 & 25, Haszto et al. do not disclose that the fourth server object is coupled to a second computer network. However, Motoyama et al. disclose that a server [firewall (109)] object is coupled to a second computer network. A server connected to a second network is realized as part of a networked environment used throughout the industry.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Haszto with the addition of a second network as taught by Motoyama et al. since it would have completed the modern realization of a distributed network environment.

In addition, the modified Haszto do not disclose the downloading of control code. However, Struger et al. disclose a method comprising downloading an application code from a second computer network, wherein said application code includes control code for controlling operation of the server objects (Col 6, Lines

24 - 42). The download of application code is widely used throughout the industry to update remote computers/servers.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Haszto et al. with the addition of code download feature as taught by Struger et al. since it would have contributed to the efficient updating of remote servers by the download of application code.

Regarding claims 3, 4, 16, 17, 26 & 27, the modified Haszto et al. disclose a first and second computer network is one of a local area network and the internet (Haszto: Fig 4, Motoayama: Fig. 1).

Regarding claims 6, 19 & 29, Haszto et al. do not disclose a control monitor system for monitoring multiple servers. However, Mototyama et al. discloses a system further comprising a control monitor for controlling the configuration of said first, second, third and fourth server objects in said line of service (Fig. 1 (100)). Distributed network need to be able to monitor all resources on the network in order to monitor status information of those resources.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Haszto with the addition of a control monitor as taught by

Motoyama since it would have completed the modern realization of a distributed network environment.

Regarding claims 7, 8, 20, 21, 30 & 31, Haszto et al. do not disclose a system wherein at least the server objects periodically transmit status information.

However, Motoyama et al. teach a system wherein at least one of said first, second, third and fourth server objects periodically transmits, in a predetermined time period, a status signal to a system monitor (ABS; Fig. 1(202)). If the transmission of said periodic status signal doesn't occur within the predetermined time it will be obvious to one of ordinary skill in the art to assume that the server object is not operational.

Regarding claims 11 & 34, Haszto et al. do not disclose that the server objects include a post office for addressing and routing. However, Motoyama et al. teach a post office for addressing and routing through the line of service from said telephone network to said second computer network (Motoyama: Page 3, Paragraph 0037).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Haszto et al. with the addition of addressing and routing as taught by Motoyama since it would have completed the modern realization of a distributed network environment

Regarding claims 12 & 35, the modified Haszto et al. disclose additional lines of service connected between the telephone network and said second computer network (Haszto: Fig. 6; Motoyama: Fig. 1(109)).

Regarding claims 13,37 & 38, the modified Haszto et al. disclose that the server objects are remote with respect to each other (Haszto: Fig. 6; Motoyama: Fig. 1). In modern networks, it is widely accepted that the resources on that network do not need to be co-located.

5. Claims 5, 18 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto et al. (U.S. Patent 6192338) in view of Sanu et al. (U.S. Patent 5974409).

Regarding claims 5,18 & 28, Haszto et al. do not disclose that the first, second and third connections are formed from named pipes. However, Sanu et al. teach named pipes that are used in an online information retrieval network (Col 13, Lines 32 – 50). Servers communicate and share process over a network by the use of named pipes.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Haszto et al. with the addition of a named pipes as taught by



Sanu et al. since it would have facilitated communication between several servers that communicate on a network.

6. Claims 9 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto et al. (U.S. Patent 6192338) in view of Motoyama et al. (U.S. Patent Application 20020152292) and further in view of Salesky et al. (U.S. Patent 6343313).

Regarding claims 9 & 32, the modified Haszto discloses a plurality of servers and the use of system or network monitor that checks the status of the servers on the network. The modified Haszto do not disclose the use of a backup server in the event of a subject object being disabled. However, Salesky et al. teach the use of at least one backup server object that is configured into the system by the system monitor at least one of server objects is disabled (Col 26, Line 66). Commissioning backup servers in the case of a server breakdown is widely used throughout the industry.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Haszto et al. with the addition of backup servers as taught by Salesky et al. since it would have contributed to the secure functioning of the system in the event of a breakdown of one or the plurality of interdependent servers.

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7. Claims 10,11 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto et al. (U.S. Patent 6192338) in view of Motoyama et al. (U.S. Patent Application 20020152292) and further in view of Edmonds (U.S. Patent 6230190).

Regarding claims 10, 11 & 33, the modified Haszto discloses a plurality of servers and the use of system or network monitor that checks the status of the servers on the network. The modified Haszto do not disclose the use of the DCOM model. However, Edmonds et al. teach that the server objects are configured by the system monitor according to the Distributed Component Object Model (DCOM) (Col 1, Line 45). The DCOM architecture is widely used throughout the industry to provide secure networking with fault-tolerance services.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Haszto et al. with the addition of the DCOM model as taught by Edmonds et al. since it would have contributed to the secure functioning of the system in the event of breakdown or fail-over of the plurality of interdependent servers.

### **Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Barrera	U.S. Patent 6247057
2. Smith et al.	U.S. Patent 5941996
3. Bauer et al.	U.S. Patent Application 20010008556
4. Nolet	U.S. Patent 6138249
5. Ruotoistenmaki	U.S. Patent Application 20020097692
6. Bennett et al.	U.S. Patent 6615172
7. Tsuboi et al.	U.S. Patent 5457768
8. Levin et al.	U.S. Patent 6173279
9. Arai et al.	U.S. Patent 6173261
10. White et al.	U.S. Patent 6408272

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A Michael whose telephone number is 703 505-8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (703)305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis A Michael  
Examiner  
Art Unit 2655

Mal

2/18/2004



**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**